

MERCER COUNTY PLANNING COMMISSION MINUTES

The Mercer County Planning Commission met Tuesday August 11th, 2026 at the Beulah Civic Center in Beulah, Eslinger called the meeting to order at 7:01 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Casey Voigt, Kevin Hafner, Gerald Bieber, Shane Cole, Steve Guenthner (Commissioner Alternate)

Members Absent: Joey Neumiller, Rick Bauman, Andy Thomas

Others Present: Judy Knoell, Aaron Hummert, Roxy Voegele, Corey Voegele, Cassandra Voegele, Jasmine & Alex Kober, Nathan Busche, Shawna & Adrian Mittelsteadt, Dale & Lisa Dauenhauer, Lori Hammer, Vicky Steiner, Jim Kasper on phone

Eslinger asked for any additions or corrections to tonight's agenda. Being none, Motion by Voigt to approve the agenda, seconded by Bieber, members present voted "aye", motion passed. Motion by Cole, seconded by Renner, to approve the minutes of July 8th, 2026. All members present voted "aye", motion passed.

New Business

Zoning Case #26-08-01

This public hearing is being held for the purpose of considering an application from Cordel Voegele for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map. The subject parcel is located approximately 14 miles south and 1 mile west of Beulah. The subject parcel is 2.07 acres in size and is described as Tract 1 in the W2SW4 located in Section 2 T141N R88W of the Fifth Principle Meridian, Mercer County, North Dakota. The Cordel's parents and grandmother are present. The sight area is next to the existing family farm. No further discussion. Motion by Voigt to approve, seconded by Renner, all members present voted "aye", motion carried.

Zoning Case #26-08-02

This public hearing is being held for the purpose of considering an application from Alex & Jasmine Kober for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map. The subject parcel is located approximately 3 miles east of Hazen. The subject parcel is 2 acres in size and is described as a two-acre parcel located within Lot 14 of Grammm Acres located in the N2 of Section 15 T144N R86W of the Fifth Principle Meridian, Mercer County, North, North Dakota. Kober's are present. Guenthner asked why they decided to plat it in the middle of the tract. It should be on the north end. Kober said they wanted to be close to her parents. Guenthner shared his concerns with the shared road and that things happen in life and what if property were to sell. Also, concerns with splitting the lots into more pieces for other children in the future and how sandy it is. Asked why not the lot to the west. Kober responded she wanted to leave that section for animals and that's why they chose the area they did and a bus turnaround is already present. Eslinger asked about sewer systems in that area due to the sand. Jen responded Kober's did get their approved permit back from Western Plains and they recommended fabric over the chambers due to sandy soil and maintain well setback. Eslinger asked about SW water. Kober stated they will have well water.

Motion by Renner to approve, seconded by Cole, Guenther voted "nay", all other members present voted "aye", motion carried.

Zoning Case #26-08-03A

This public hearing is being held for the purpose of considering an application from James Kasper to rezone a parcel of land from Agricultural District to Residential District (R-2) of the Mercer County Zoning District Map. The subject parcel is located approximately 15 miles north of Beulah. The subject parcel is 64.01 acres in size and is described as a Tract 1A located within the NW4 of Section 4 T146N R87W of the Fifth Principle Meridian, Mercer County, North Dakota. Mr. Kasper joined in on the phone to provide information on this case and the next case on the agenda. Vicky Steiner, his realtor, is also present for questions. Eslinger thought the cases (03A & 03B) should have been turned around to deal with the smaller parcel first. Steiner noted he hired Moore Engineering. He would like the first part of the subdivision of 11 lots done first but it was more cost effective to survey out the whole area. Additional lots to come in the future. Jen noted first it has to be rezoned from Ag to Residential so that's why the case was listed first. Eslinger questioned the roads, sewer, water. Jen stated all that info is in the packet and is part of the next case. Voigt has concerns with the road to the north of the development, road crossing one and being a 5' ditch. Guenther questioned how you put a culvert in. Eslinger noted he was out there and the road will need to be upgraded. Kasper stated he just wants to build affordable lots at the lake. He only surveyed it all off to save on the cost. Eslinger again stated the road to get to the 11 lots will need to be developed. Kasper stated it's a private road. Eslinger stated it needs work and need to consider the run off. Guenther felt we need to wait on everything until the road is improved. Kasper stated in order to do that he needs to sell some lots. Discussion on the whole 64-acre tract for rezone. Kasper explained he only wants to develop the 11 lots, which amounts to 24.95 acres. Voigt made motion to deny 03A, seconded by Renner. Eslinger asked for any other questions. Jen stated they need to approve some kind of rezoning if they want to move forward with the case after this one. Jen explained the 24 acres is in the 64 acres. Voigt made a motion to withdraw his previous motion, Renner seconded, all present voted "aye". Kasper stated he did not want the whole 64 acres rezoned. Jen stated that is the legal description for the submitted plat so that is what needs to be rezoned but the leftover acreage can still be assessed as Ag. Renner made a motion to approve, seconded by Cole, Eslinger stated this is for all the 64.1 acres with the next case approving the 24.95 acres for the subdivision to develop the 11 lots. Renner then stated the leftover acreage will be assessed as Ag. All members present voted "aye", motion carried.

Zoning Case #26-08-03B

This public hearing is being held for the purpose of considering an application from James Kasper for approval of the preliminary plat for the First Addition to Kasper Bay Estates. It is located approximately 15 miles North of Beulah, it consists of approximately 24.95 acres which contains 11 lots and is described as a portion of Tract 1A of the NW4 of Section 4 T146N R87W of the 5th Principle Meridian, Mercer County ND. Eslinger stated this is on the east side of the 64 acres and the maps are in front of you. Shows the proposed roads and development area. Eslinger asked about sewer and water. Kasper stated the sewer is approved. Talked to SW water, there is availability and the first lot already has it. Talked to Roughrider Electric. SW water has capacity at this time. Hafner asked if he was aware that SW water is on a first come, first serve basis. Kasper stated he's aware. Hafner stated the end person buying

the lots could end up with not having SW water. Kasper stated that's a possibility but is hoping they are improving their capacity. Eslinger stated wells are an option. Voigt stated this needs to be reviewed by the water board. Guenther made a motion to deny until the road is built up. Kasper stated a good portion of the road was improved by the RV park but again he needs the money to improve the road. If he could sell a lot then he could improve the road. Voigt stated he's not an engineer but feels there may be issues with the water board approving the drainage with only a 5" ditch. Since it's a secondary road and not a main access if you hard surfaced and raised it, he doesn't see it as a large cost to improve the surface. Kasper stated once he sells something he could do it. Guenther stated what's to hold him to it. Renner stated it wouldn't have to be hard surfaced it could be a gravel road. Kasper stated the water board has looked at it and his engineering firm has been working with the water board. Discussion on how to get applicant to comply. Cole seconded the motion. Voigt stated this is only preliminary approval. Eslinger, Bieber, Renner, Hafner voted "nay". Cole, Voigt, Guenther voted "aye". Motion denied. Motion by Renner to approve with the following conditions. Approval contingent on water board approval and approval by county engineer to improve the road w/in a 2-year time frame. Discussion on when the two year starts. Jen stated he needs to come back yet with a final plat, so it would start after that. Seconded by Bieber. Guenther and Hafner voted "nay". Eslinger, Bieber, Renner, Cole, Voigt voted "aye" motion carried. Mr. Kasper ended the telephone call.

Zoning Case #26-08-04

This public hearing is being held for the purpose of considering an application from Shawna & Adrian Mittelsteadt for approval of a Conditional Use for a Non-Farm Residence within the Agricultural Zone of the Mercer County Zoning District Map. The subject parcel is located approximately 5 miles north and 3 miles east of Hazen. The subject parcel is 2.03 acres in size and is described as a 2.03-acre tract within the SE4 located in Section 18 T145N R85W of the Fifth Principle Meridian, Mercer County, North Dakota. Mittelsteadt's are present. They stated they are moving in a modular home to replace the existing farm house. Utilities are already present. Guenther moved to approve, seconded by Voigt, all present voted "aye".

Weidner Pre-App

Jen stated Lisa Daunhauer is looking to dissolve Weidner Bay mobile home park and create a subdivision with the already existing lots, first surveyed in 1989. This will involve a rezone from R-5 to R-4, variances, preliminary and final plats of the subdivision. Described as portion in the N2SW4 of Section 18 T146N R87W of the Fifth Principle Meridian, Mercer County, North Dakota. Lisa stated she wants to let her existing renters buy the lot they are on. The first trailer was put on in 1961. Jen stated that Lisa already submitted a variance application for next month to address the lot sizes. Hafner asked how far back they are from the high-water mark. Aaron Hummert, Dauenhauer's land surveyor, stated it's yet to be determined. They haven't done the full survey and there will be an elevation analysis done. The maps provided gives you an idea. Lisa stated after the first bad flood they have built up the ones that were low. The second bad flood everyone was good. Guenther question on the contours and lot numbers. Hummert said the main question for the night if this is feasible since it's below the district minimum. Eslinger stated we need to understand this was done a long time ago. Renner asked Lisa if she was looking at creating new lots. Lisa stated no, just the existing lots, some may get combined. Hummert would like to know it's feasible. Renner stated it doesn't make sense it would be denied. Eslinger stated everything would indicate that it would move forward. Jen did mention that she visited with the water board's engineer and she was going to discuss with the water board not having them do a permit since

it's already established. Timeline of process discussed. Renner made a motion to approve moving forward supporting the variance and plats. Cole seconded, all present voted "aye".

Public Hearing for Chapter 6 Subdivisions

Jen stated this was approved by the board at the last meeting. The main change being the lot size from 2 acres to 1-acre lot size with a 10-acre minimum subdivision size. Jen stated she would like the set date that is stated in the ordinance to say that the date to be determined by Land Use Administrator, as the dates can vary depending on when the cutoff is for the newspaper. Anywhere that it states a due date by the 25th of the month it will state "date to be determined by Land Use Administrator. Eslinger asked the public for any comments and no public comment was given. The next step is to send this to the commissioners for the readings but Jen is recommending to wait until the rest of the ordinance book is finalized since the subdivision talks to so many other chapters such as the storm water management plan, Chapters 2 & 3. Eslinger and the board agreed.

Last order of business is to finalize the Jake Brake ordinance and sand/gravel to be approved for the public hearing. Eslinger stated the Jake Brake is one page. SRF Consulting recommended we take out the decimal factor as that contradicts what we do with the industrial use. Guenther made a motion to approve, Cole seconded, all present voted aye. Eslinger noted that is just for residential zoning, not non-farms in the ag district. This moves forward for the public hearing in September. Sand/ Gravel will now be called Aggregate. Guenther questioned A.4 on page one, the lettering is incorrect. Guenther asked on page 2 number 6, it should say "the" not "all". Guenther asked on page 3 # 7, the approved hours. What are the approved hours. Eslinger's proposal was for daylight hours. Guenther said if there are no hours then why is it in there. Eslinger stated it should be removed completely. Discussion on the hours. Eslinger stated if we are not going to set a specific time then it should be removed, asked for comments or suggestions, there were none, so he recommended to remove it. Eslinger stated we may need to revisit if we get a lot of complaints. Renner made a motion to approve with suggested changes, seconded by Bieber, motion approved. This moves forward for the public hearing in September.

Eslinger asked for any public comment. Comment from public that it was well conducted meeting.

Motion by Guenther to adjourn, seconded by Bieber, all voted "aye". Meeting adjourned at 8:28pm.

APPROVED:
Jen Neumiller, Land Use Administrator

ATTEST:
Mike Eslinger, Chairman